

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2019/62/90737/E

Site Address: 80, Marsh Lane, Shepley, Huddersfield, HD8 8AS

Description: Erection of single storey link extension and alterations to detached garage to create dwelling forming annex accommodation associated with 80, Marsh Lane, Shepley, Huddersfield, HD8 8AS

Recommending Officer: Josh Kwok

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 21-May-2019

Officer Report

Site Description

The application site is no.80 Marsh Lane, Shepley. It consists of a detached brick built chalet bungalow, a spacious garden, a detached double garage and a single storey flat roof extension. The boundary treatment comprises hedges, fences and mature trees. The site and its surrounding area are purely residential characterised by detached properties with spacious gardens. The form, design and materials of these properties are different from one another however.

Description of Proposal

The development proposal is for the erection of a single storey link extension and alterations to detached garage to form annex accommodation. The details of the proposal are set out in the following:

- 2.4m wide x 6.7m deep x 2.9m high (link extension)
- Existing garage to be converted into living room on ground floor and bedroom on first floor
- Existing clear glazing to be replaced with satin finish opaque glazing
- Construction materials to be brickwork and flat roof membrane

History of negotiations/amendments received

No amendments sought during the course of this application.

Relevant Planning History

No record of any similar applications found at the application site and its immediate surroundings.

Representations

This application was advertised by site notices and neighbour letters, which expired on 18-May-2019. As a result of the above publicity, no representations were received from the occupants of the neighbouring properties.

Kirkburton Parish Council – no comment

Consultation Responses

No consultation response required for this application.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the

Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Policies Map of the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is enshrined in policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development of the surrounding area as well as to preserve the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations are addressed in turn in the following sections in this report.

2 – Impact on visual amenity:

The proposed link extension would be modest in scale compared to the host property as well as the double garage at the application site. Furthermore, given the application property is situated within a relatively large plot of land with generous amenity space provision, it is considered that the proposal is unlikely to overdevelop the application site in any respect. For these reasons, the scale of development as proposed can be acceptable from a visual amenity perspective. There would be no change to the overall dimension of the garage as a result of the proposed development.

The link extension as proposed would be rectangular in form with a simple flat roof. Whilst a flat roof design is not normally considered to represent the most appropriate option for domestic extensions, it can be, on balance, acceptable in this case when taking into account the position of the extension, being at the rear of a projecting side gable. Hence, the extension would only have very limited impact on the appearance of the host property when viewed from the front. In addition to the above, it is acknowledged that there is already a large flat roof extension evident at the application site. To permit a flat roof extension of the suggested scale is unlikely to result in any adverse impact over and above the existing situation. With regard to the materials of construction, they would be similar to those already evident at the application site. This would give the proposed extension a similar appearance as the existing property at the site.

The conversion of the existing garage into annex accommodation would not prejudice the character of the site and its surroundings. This is because the application site and the adjoining sites are already residential in character. The proposed conversion is not expected to cause any material change to the prevailing residential character of the area.

In short, the development proposal would be of a satisfactory quality in terms of scale, design and materials. It would not prejudice the appearance of the application property and the neighbouring properties nor would it harm the character of the surrounding area. There would be no effect on the amenity of the street scene when taking into account the substantial boundary treatment to the front of the application site. On the basis of the above, officers conclude the proposal to be compliant with the aims of Policy LP24 (as modified) of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

With regard to the link extension, it would not harm the living conditions of the nearby residents as it would be situated in between the host property and the detached garage with only one non-habitable room window in the side elevation. Besides, there is a reasonable physical separation between the proposed extension and the adjoining residential property no.82 Marsh Lane with hedges and mature trees in between. Concerning the proposed conversion, this is again not expected to have any significant adverse impact on the amenity of any neighbouring occupants. Although there would be two habitable room windows in the south-west elevation facing towards no.82

Marsh Lane, they would not harm the privacy of these neighbours as the view of them would be obstructed by the existing boundary treatment at the shared boundary. There would be no changes to the overall dimensions of the garage. Hence, no additional overshadowing and overbearing impacts would arise as a result of the development proposal.

To summarise, it is considered that the proposed development would be acceptable from a residential amenity perspective and consistent with Policy LP24 of the KLP.

4 – Impact on highway safety:

It is acknowledged that the proposal would intensify the residential use of the application property and also affect the parking arrangement of the application site. Notwithstanding the above consideration, officers are satisfied on the basis of the site visit observations that there would be adequate parking provision for the existing and future occupants of the application property in accordance with the KC Highways Design Guide as well as Policy LP22 of the KLP. Accordingly, there are considered to be no significant parking issues. The annex accommodation would consist of one bedroom only. It would be occupied by the family members of the occupants of the host property at the application site. There would be a sufficient internal turning area within the application site. Therefore, whilst the site is adjacent to a classified C Road (i.e. Marsh Lane), it is not expected to cause any disruption to the flow of traffic. Given the scale of development as proposed, there would not be a material increase in traffic generation that would prejudice highway safety. As such the proposal would not conflict with Policy LP21 in respect of highway safety.

5 – Other matters:

Green Belt setting

The application site is adjacent to an open land, which is designated as Green Belt land on the policies map of the KLP. Therefore, the proposal shall be considered with reference to chapter 13 of the NPPF, which seeks to preserve the openness and character of the Green Belt as well as to sustain the purposes of the Green Belt. In this case, the proposal is for a small domestic extension and a conversion to from annex accommodation. Since the proposed development would be situated within the curtilage of an existing residential property and it would be in a reasonable physical separation from the Green Belt boundary as well, there would be no unacceptable harm to the setting of the Green Belt. The proposal would conform to chapter 13 of the NPPF.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations received as a result of the above publicity.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2019/90737

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP21 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The external walls and roofing materials of the single storey link extension hereby approved shall in all respects match those used in the construction of the existing building at the application site

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. The annex accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 80 Marsh Lane, Shepley.

Reason: For the avoidance of doubt as to the development permitted as different amenity and parking considerations would be taken into account if the garage were to be converted to a separate unit of accommodation. This would accord with Policies LP2 and LP24 of the Kirklees Local Plan and Chapter 12 the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing elevations	109-19-PL02		14-Mar-2019
Proposed elevations	109-19-PL04		14-Mar-2019
Location plan	109-19-PL05		14-Mar-2019
Existing floor plans	109-19-PL03		14-Mar-2019
Proposed floor plans	109-19-PL01		14-Mar-2019

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant

in dealing with the application. No amendments are sought in this case as the proposal is considered to be acceptable in its submitted form.

Report Dated:

20-May-2019